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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

KOSTIN COMPANY;

SUSAN KOSTIN, in her capacity as GENERAL
PARTNER of KOSTIN COMPANY;

Adv. Pro. No. 10-04950 (SMB)

DEBORAH WEINSTEIN, in her capacity as
LIMITED PARTNER of KOSTIN COMPANY;

DAVID KOSTIN, in his capacity as LIMITED
PARTNER of KOSTIN COMPANY;

ANDREW KOSTIN, in his capacity as LIMITED
PARTNER of KOSTIN COMPANY,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Kostin Company, Susan Kostin, Deborah Weinstein, David Kostin, and Andrew Kostin (“Defendants”), by and through their counsel, Morgan Lewis & Bockius LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed, and on February 24, 2011, the Trustee served the Complaint against The Kostin Co., Susan Kostin, Deborah Weinstein, David Kostin, and Andrew Kostin.
2. On May 31, 2013, Defendants The Kostin Co., Susan Kostin, Deborah Weinstein, David Kostin, and Andrew Kostin each filed and served an answer on the Trustee.
3. On June 29, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1)(ii), the Parties hereby stipulate to a dismissal with prejudice and

without costs of the Trustee's claims against Defendants in the above-captioned adversary proceeding and a dismissal with prejudice of the adversary proceeding.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

[THIS PORTION IS INTENTIONALLY LEFT BLANK]

Dated: September 11, 2015
New York, New York

By: /s/ Heather J. McDonald
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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
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the Estate of Bernard L. Madoff*

Dated: September 11, 2015
New York, New York

By: /s/ Bernard J. Garbutt
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*Attorney for Defendants Kostin Company, Susan
Kostin, Deborah Weinstein, David Kostin, and
Andrew Kostin*

SO ORDERED

Dated: September 11, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE